

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 2/22/2021

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NADIM NIMAI KESTEN,

Plaintiffs,

-v-

BROADCAST MUSIC, INC., et al.,

Defendants.
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20-cv-8909 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff has filed a notice of voluntary dismissal as to Defendant ASCAP Enterprises A/K/A American Society of Composers, Authors and Publishers pursuant to Federal Rule of Civil Procedure 41. Dkt. No. 33. Rule 41 addresses dismissal of actions rather than dismissal of parties. Treating the application as addressed to the Court's power under Rule 15 or Rule 21 or its inherent power, the Court hereby GRANTS dismissal of all claims as against Defendant ASCAP without prejudice and with each party to bear their own costs and fees. *See Kerr v. Compagnie de Ultramar*, 250 F.2d 860, 864 (2d Cir. 1958); *Harvey Aluminum, Inc. v. Ican Cyanamid Co.*, 203 F.2d 105, 108 (2d Cir. 1953), *cert. denied*, 345 U.S. 964. The Clerk of Court is respectfully directed to terminate Defendant ASCAP.

SO ORDERED.

Dated: February 22, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge